1	I		
1	MICHAEL C. KANE. ESQ. Nevada Bar No.: 10096		
2	BRADLEY J. MYERS, ESQ. Nevada Bar No.: 8857		
3	ZACHARY W. LIVINGSTON, ESQ.		
4	Nevada Bar No.: 15954 THE702FIRM INJURY ATTORNEYS		
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8	Attorneys for Plaintiff UNITED STATES D	ISTRICT COUR	Γ
9	DISTRICT O	F NEVADA	
10	MICHAEL MACKENZIE,	Case No.: 2:2	21-cv-2097-JCM-NJK
11	Plaintiff,	JOINT PRE-TR	OLAT ODDED
12	VS.	JOINT TRE-TR	MAL ORDER
13	IKEA US RETAIL, LLC., fka IKEA U.S.		
14	WEST, INC.; DOE EMPLOYEE I; DOES I through X, inclusive and ROE		
15	CORPORATIONS I through X, inclusive.		
16	Defendants.		
17			
18	After pretrial proceedings in this case,		
19	IT IS ORDERED:		
20	I. <u>INTR</u>	<u>ODUCTION</u>	
21	1. This is a premise case resulting from an in	cident that occurre	ed on or about June 21, 2019.
22	Plaintiff, MICHAEL MACKENZIE was at D	efendant IKEA's	premises, as an invitee of
23	Defendants, where he was shopping and proceed	led to load a Kivik	box 2. While retrieving the
24	Kivik box 2, he alleges that an unsecured Kivik F		C
25			
26	alleges the Kivik Box 1 was not properly secured		•
27	2. Defendant denies the claims of 1) negliger	ce. Defendant has	offered additional affirmative
28 RM	defenses as part of its pleadings in this action, a	and Defendant rese	erves the right to rely on the

pleadings on file in this action to articulate its contentions in this case.

II. <u>STATEMENT OF JURISDICTION</u>:

This action was originated by the filing of a Complaint in the District Court, Clark County, Nevada on April 27, 2021. Defendants Answered the Complaint on September 1, 2021 and removed the case from State Court to Federal Court on November 23, 2021, citing diversity between the parties and that this Court has jurisdiction of the matter under 28 U.S.C. § 1332, 1441 and 1446.

III. THE FOLOWING FACTS ARE ADMITTED BY THE PARITES AND REQUIRE NO PROOF:

None.

IV. THE FOLLOWING FACTS, THOUGH NOT ADMITTED, WILLNOT BE CONTESTED AT TRIAL BY EVIDENCE TO THE CONTRARY:

None.

V. THE FOLLOWING ARE ISSUES OF FACT TO BE TRIED AND DETERMINED AT TRIAL:

The following facts are admitted by the parties and require no proof: None at this time. The following are issues of fact to be tried and determined at trial:

PLAINTIFF:

- Whether Defendant knew or should have known that the subject boxes were stacked in an unsafe and unsecure manner;
- 2. Whether Defendant failed to properly warn Plaintiff of the danger of the subject boxes;
- 3. Whether Plaintiff sustained Injuries as a result of the subject incident; and
- 4. Defendant's choice of using a self-serve mode of operation.

DEFENDANT:

400 S. 7th Street #400

Las Vegas, Nevada 89101 Phone: (702) 776-3333

	1.	Whether Defendant was negligent at the time of the incident which forms the basis
1	1.	
2		of this litigation.
3	2.	Whether Defendant was negligent in the operation of conducting business at the
4		time of the incident which forms the basis of this litigation
5 6	VI. <u>TI</u>	HE FOLLOWING ARE ISSUES OF LAW TO BE TRIED AND DETERMINED AT TRIAL:
7	1.	Whether Defendant breached its duty of care owed to Plaintiff as an invitee or
8	1	patron of its establishment by failing to stack merchandise properly and securely in in
9	1	the self-serve furniture warehouse of its premises;
10	2.	Whether Defendant failed to adequately hire, train, and supervise its employees in
11 12		safely stacking and securing merchandise in the self-serve furniture warehouse of its
13	1	premises;
14	3.	Defendant's choice of using a self-serve mode of operation;
15	4.	Whether Defendant's breach caused any damages to Plaintiff; and
16	5.	The nature, extent and value of Plaintiff's accident-related damages, including
17	,	without limitation, the expenses of past medical treatment, past lost wages, past pain
18 19		and suffering, and future pain and suffering.
20	6.	The issues of law raised in the parties' anticipated Motions in Limine.
21	7.	Whether Defendant was negligent at the time of the incident which forms the basis
22		of this litigation.
23	8.	Whether Defendant failed to adequately hire, train, and supervise its employees in
24		safely stacking and securing merchandise in the self-serve furniture warehouse of its
25	1	premises;
26	9.	Whether such negligence, if any, was a proximate cause of Plaintiff's alleged
27 28		injuries and alleged damages.
40	1	

1	10.	Whether Plaintiff was comparatively negligent at the time of the incident which
2		forms the basis of this litigation.
3	11.	Whether the comparative negligence of Plaintiff, if any, was a proximate cause of
4		Plaintiff's alleged injuries and alleged damages.
5	12.	Whether the comparative negligence of Plaintiff, if any, is greater than the
6		negligence of the Defendant, if any.
7	13.	Whether any risks and dangers involved in the factual situation set forth in the
8 9		Complaint, if any, were open and obvious to Plaintiff.
10	14.	Whether Plaintiff was involved in a prior accident or other form of traumatic event.
11	15.	Whether any prior accident or other form of traumatic event involving Plaintiff, if
12		any, caused the injuries of which he complains in this litigation.
13	16.	Whether the occurrence which is the subject matter of this action was avoidable.
14	17.	Whether the occurrence which is the subject matter of this action was caused in
15 16		whole or in part by the actions of a third party, outside of the control of any party
17		to this litigation.
18	18.	Whether the occurrence which is the subject matter of this action was caused in
19		whole or in part by the negligence of a third party, outside of the control of any
20		party to this litigation.
21	19.	The percentage of reduction for the amount of damages that is commensurate
22		with the comparative negligence, in any, of Plaintiff.
23 24	20.	Whether Plaintiff suffered injuries resulting from the incident which forms the
25		basis of this litigation.
26	21.	Whether Plaintiff suffered monetary damages in the form of past medical expenses
27		stemming from alleged injuries resulting from the incident which forms the basis
28 M		of this litigation.

- 22. The amount of monetary damages in the form of past medical expenses, if any, Plaintiff suffered from alleged injuries as a proximate result of this accident.
- 23. Whether Plaintiff will continue to suffer monetary damages in the future in the form of medical expenses stemming from alleged injuries resulting from the incident which forms the basis of this litigation.
- 24. The amount of monetary damages in the form of future medical expenses, if any, Plaintiff will suffer from alleged injuries as a proximate result of this accident.
- 25. Whether Plaintiff suffered injuries to his body, including, but not limited to his, spine resulting from the incident which forms the basis of this litigation.
- 26. Whether Plaintiff suffered monetary damages in the form of past medical expenses stemming from alleged injuries resulting from the incident which forms the basis of this litigation.
- 27. The amount of monetary damages in the form of past medical expenses, if any, Plaintiff suffered from alleged injuries as a proximate result of this accident.
- 28. Whether Plaintiff will continue to suffer monetary damages in the future in the form of medical expenses stemming from injuries allegedly resulting from the incident which forms the basis of this litigation.
- 29. The amount of monetary damages in the form of future medical expenses, if any, Plaintiff will suffer from injuries as a proximate result of this accident.
- 30. Whether Plaintiff failed to mitigate his damages.
- 31. Whether Plaintiff suffered from any pre-existing injuries and problems in his body at the time of the incident which forms the basis of this litigation.
- 32. Whether Plaintiff's medical costs for treatment derived from unreasonable or unnecessary treatment.

1	33.	Whether Plaintiff's medical costs for treatment were usual and customary in the
2		Las Vegas community.
3	34.	Whether Plaintiff's medical costs for treatment to his head were presented
4		solely to improperly attempt to increase the value of this case.
5	35.	Whether Plaintiff's alleged injuries were the result of a superseding intervening
6 7	36.	cause. Whether Plaintiff suffered from any pre-existing injuries and problems at the time
8		of the incident which forms the basis of this litigation.
9	37.	Such evidentiary and procedural issues which may arise during the trial of this
10	37.	, i
11		action.
12	38.	Any remaining issues which may be brought before the Court after rulings on
13		Motions in Limine.
14	VII.	EXHIBITS
15	The u	ndersigned parties are continuing to refine their joint exhibit list to avoid duplication
16	and to stipula	ate as feasible. The parties currently reserve any objections as to foundation and
17	admissibility.	
18	admissibility.	The following exhibits are stipulated into evidence in this case and may be so marked by the clerk:
17 18 19 20 21 22	(a) (b)	The following exhibits are stipulated into evidence in this case and may be so
18 19 20 21	(a) (b) object	The following exhibits are stipulated into evidence in this case and may be so marked by the clerk: NONE. As to the following exhibits, the party against whom the same will be offered
18 19 20 21 22	(a) (b) object	The following exhibits are stipulated into evidence in this case and may be so marked by the clerk: NONE. As to the following exhibits, the party against whom the same will be offered as to their admission on the grounds stated: ollowing exhibits, though not agreed as admissible evidence in this case, are subject
18 19 20 21 22 23	(a) (b) object	The following exhibits are stipulated into evidence in this case and may be so marked by the clerk: NONE. As to the following exhibits, the party against whom the same will be offered as to their admission on the grounds stated: ollowing exhibits, though not agreed as admissible evidence in this case, are subject
18 19 20 21 22 23 24	(a) (b) object The form to be used by	The following exhibits are stipulated into evidence in this case and may be so marked by the clerk: NONE. As to the following exhibits, the party against whom the same will be offered as to their admission on the grounds stated: ollowing exhibits, though not agreed as admissible evidence in this case, are subject
18 19 20 21 22 23 24 25	(a) (b) object The form to be used by	The following exhibits are stipulated into evidence in this case and may be so marked by the clerk: NONE. As to the following exhibits, the party against whom the same will be offered as to their admission on the grounds stated: ollowing exhibits, though not agreed as admissible evidence in this case, are subject

The Parties intend to offer into evidence in this case the following exhibits:

No.: Plaintiff's Exhibits:

Exhibit	Description	Defendants' Objections
1.	Quest Diagnostics medical records and billing	inadmissible, lack foundation
	statement.	is/are not genuine or authentic
		constitute inadmissible
		hearsay; are unduly
		prejudicial; violative of the
		best evidence rule, are not
		relevant, and are inadmissible
		for any other reason set forth
		within the statutory and/or
		Federal Rules of Evidence in
		Nevada, or any other Nevada
		law. Defendants further object
		to the extent that this/these
		documents are excluded by
	77 10 11 1 11 11	any motion in limine.
2.	Legacy Urgent Care medical records and billing	
	statement.	is/are not genuine or authenti
		constitute inadmissible hears
		are unduly prejudicial; violat
		of the best evidence rule, are
		relevant, and are inadmissible
		for any other reason set forth
		within the statutory and/or Feder
		Rules of Evidence in Nevada,
		any other Nevada law. Defendants further object to
		extent that this/these docume
		are excluded by any motion i
		limine.
3.	Tim Soder Physical Therapy medical records and	
J.	billing statement.	is/are not genuine or authenti
	oming statement.	constitute inadmissible hears
		are unduly prejudicial; violat
		of the best evidence rule, are
		relevant, and are inadmissible
		for any other reason set forth
		within the statutory and/or Fede
		Rules of Evidence in Nevada,
		any other Nevada law.
		Defendants further object to t
		extent that this/these docume
		are excluded by any motion i
1		limine.

4.	QHR Pharmacy billing statement.	inadmissible, lack foundation,
••	QTITCT narmaey onning statement.	is/are not genuine or authentic;
		constitute inadmissible hearsay
		are unduly prejudicial; violativ
		of the best evidence rule, are no
		relevant, and are inadmissible
		for any other reason set forth
		within the statutory and/or Federal Rules of Evidence in Nevada, o
		any other Nevada law. Defendants further object to the
		extent that this/these document
		are excluded by any motion in
		limine.
5.	Innovative Pain Care Center medical records and	inadmissible, lack foundation,
	billing statement.	is/are not genuine or authentic;
		constitute inadmissible hearsay
		are unduly prejudicial; violative
		of the best evidence rule, are no
		relevant, and are inadmissible
		for any other reason set forth
		within the statutory and/or Federal
		Rules of Evidence in Nevada, o
		any other Nevada law.
		Defendants further object to the extent that this/these document
		are excluded by any motion in
		limine.
6.	Las Vegas Radiology, FILMS, medical records and	inadmissible, lack foundation,
0.	billing	is/are not genuine or authentic;
	statement.	constitute inadmissible hearsay
		are unduly prejudicial; violativ
		of the best evidence rule, are no
		relevant, and are inadmissible
		for any other reason set forth
		within the statutory and/or Federal
		Rules of Evidence in Nevada, o
		any other Nevada law.
		Defendants further object to th
		extent that this/these document
		are excluded by any motion in
7		limine.
7.	Kelly Hawkins medical records and billing	inadmissible, lack foundation,
	statement.	is/are not genuine or authentic;
		constitute inadmissible hearsay are unduly prejudicial; violativ
		of the best evidence rule, are no
		relevant, and are inadmissible
		resevant, and are madmissible

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1 2 3 4			for any other reason set forth within the statutory and/or Federal Rules of Evidence in Nevada, or any other Nevada law. Defendants further object to the extent that this/these documents are excluded by any motion in limine.
5 6 7 8 9 10 11 12	8.	Sahara Surgery Center medical records and billing statement.	inadmissible, lack foundation, is/are not genuine or authentic; constitute inadmissible hearsay; are unduly prejudicial; violative of the best evidence rule, are not relevant, and are inadmissible for any other reason set forth within the statutory and/or Federal Rules of Evidence in Nevada, or any other Nevada law. Defendants further object to the extent that this/these documents are excluded by any motion in
13 14 15 16 17 18 19 20 21	9.	Western Regional Center for Brain and Spine Surgery records and billing statement.	limine. inadmissible, lack foundation, is/are not genuine or authentic; constitute inadmissible hearsay; are unduly prejudicial; violative of the best evidence rule, are not relevant, and are inadmissible for any other reason set forth within the statutory and/or Federal Rules of Evidence in Nevada, or any other Nevada law. Defendants further object to the extent that this/these documents are excluded by any motion in limine.
22 23 24 25 26 27 28	10.	Las Vegas Neurosurgical Institute medical records and billing statement.	inadmissible, lack foundation, is/are not genuine or authentic; constitute inadmissible hearsay; are unduly prejudicial; violative of the best evidence rule, are not relevant, and are inadmissible for any other reason set forth within the statutory and/or Federal Rules of Evidence in Nevada, or any other Nevada law. Defendants further object to the extent that this/these documents

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1			are excluded by any motion in limine.
2	11.	Pueblo Medical Imaging FILMS, medical records	inadmissible, lack foundation,
2		and billing statement.	is/are not genuine or authentic;
3			constitute inadmissible hearsay; are unduly prejudicial; violative
4			of the best evidence rule, are not
5			relevant, and are inadmissible
			for any other reason set forth within the statutory and/or Federal
6			Rules of Evidence in Nevada, or
7			any other Nevada law.
8			Defendants further object to the
			extent that this/these documents are excluded by any motion in
9			limine.
10	12.	Desert Radiology FILMS, medical and billing	inadmissible, lack foundation,
11		records.	is/are not genuine or authentic; constitute inadmissible hearsay;
			are unduly prejudicial; violative
12			of the best evidence rule, are not
13			relevant, and are inadmissible
14			for any other reason set forth within the and/or Federal statutory
			Rules of Evidence in Nevada, or
15			any other Nevada law.
16			Defendants further object to the extent that this/these documents
17			are excluded by any motion in
17			limine.
18	13.	Ikea Incident Report	inadmissible, lack foundation,
19			is/are not genuine or authentic; constitute inadmissible hearsay;
20			are unduly prejudicial; violative
20			of the best evidence rule, are not
21			relevant, and are inadmissible for any other reason set forth
22			within the statutory and/or Federal
23			Rules of Evidence in Nevada, or
23			any other Nevada law. Defendants further object to the
24			extent that this/these documents
25			are excluded by any motion in
	1.4	F: 14 (0) C 1 1 D1 (1 1 1 1 1 2 C	limine.
26	14.	Eight (8) Colored Photographs of the Incident Scene	inadmissible, lack foundation, is/are not genuine or authentic;
27			constitute inadmissible hearsay;
28			are unduly prejudicial; violative

		of the best evidence rule, are not
		relevant, and are inadmissible
		for any other reason set forth
		within the statutory and/or Federal
		Rules of Evidence in Nevada, or
		any other Nevada law.
		Defendants further object to the
		extent that this/these documents
		are excluded by any motion in
		limine.
15.	Four (4) Colored Photographs of Plaintiff's Suction	inadmissible, lack foundation,
	Treatment	is/are not genuine or authentic;
		constitute inadmissible hearsay;
		are unduly prejudicial; violative
		of the best evidence rule, are not
		relevant, and are inadmissible
		for any other reason set forth
		within the statutory and/or Federal Rules of Evidence in Nevada, or
		any other Nevada law.
		Defendants further object to the
		extent that this/these documents
		are excluded by any motion in
		limine.
16.	Three (3) Colored Photographs of the Opposite	inadmissible, lack foundation,
10.	Aisle of the Incident Scene	is/are not genuine or authentic;
		constitute inadmissible hearsay;
		are unduly prejudicial; violative
		of the best evidence rule, are not
		relevant, and are inadmissible
		for any other reason set forth
		within the statutory and/or Federal
		Rules of Evidence in Nevada, or
		any other Nevada law.
		Defendants further object to the
		extent that this/these documents
		are excluded by any motion in
	WYD. D. I. J. J. J.	limine.
17.	IKEA Training Materials	inadmissible, lack foundation,
		is/are not genuine or authentic;
		constitute inadmissible hearsay;
		are unduly prejudicial; violative
		are unduly prejudicial; violative of the best evidence rule, are not
		are unduly prejudicial; violative of the best evidence rule, are not relevant, and are inadmissible
		are unduly prejudicial; violative of the best evidence rule, are not relevant, and are inadmissible for any other reason set forth
		are unduly prejudicial; violative of the best evidence rule, are not relevant, and are inadmissible for any other reason set forth within the statutory and/or Federal
		are unduly prejudicial; violative of the best evidence rule, are not relevant, and are inadmissible for any other reason set forth

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1			Defendants further object to the
1			extent that this/these documents
2			are excluded by any motion in
		W.T. W. 1	limine.
3	18.	IKEA Warehouse Manual	inadmissible, lack foundation,
4			is/are not genuine or authentic;
			constitute inadmissible hearsay; are unduly prejudicial; violative
5			of the best evidence rule, are not
6			relevant, and are inadmissible
· ·			for any other reason set forth
7			within the statutory and/or Federal
0			Rules of Evidence in Nevada, or
8			any other Nevada law.
9			Defendants further object to the
4.0			extent that this/these documents
10			are excluded by any motion in limine.
11	19.	IKEA Timecard Audit Trail	inadmissible, lack foundation,
		THE TIME COURT THAT	is/are not genuine or authentic;
12			constitute inadmissible hearsay;
13			are unduly prejudicial; violative
10			of the best evidence rule, are not
14			relevant, and are inadmissible
15			for any other reason set forth
15			within the statutory and/or Federal
16			Rules of Evidence in Nevada, or any other Nevada law.
4=			Defendants further object to the
17			extent that this/these documents
18			are excluded by any motion in
			limine.
19	20.	IKEA Service Agreement Summary for	7
20		Housekeeping & Additional Services – US	is/are not genuine or authentic;
			constitute inadmissible hearsay;
21			are unduly prejudicial; violative
22			of the best evidence rule, are not relevant, and are inadmissible
			for any other reason set forth
23			within the statutory and/or Federal
24			Rules of Evidence in Nevada, or
24			any other Nevada law.
25			Defendants further object to the
26			extent that this/these documents
26			are excluded by any motion in
27	21.	Self-Serve Warehouse and Markethall Assessments	limine.
	21.	Sen-serve warehouse and Markethan Assessments	inadmissible, lack foundation, is/are not genuine or authentic;
28			is are not genuine of audientic,

		constitute inadmissible hearsay;
		are unduly prejudicial; violative
		of the best evidence rule, are not
		relevant, and are inadmissible
		for any other reason set forth
		within the statutory and/or Federal Rules of Evidence in Nevada, or
		any other Nevada law.
		Defendants further object to the extent that this/these documents
		are excluded by any motion in limine.
22.	Self-Serve and Full-Service Warehouse Layout	inadmissible, lack foundation,
	Self Self e una l'un Selfice i i une neuse Eugene	is/are not genuine or authentic;
		constitute inadmissible hearsay;
		are unduly prejudicial; violative
		of the best evidence rule, are not
í		relevant, and are inadmissible
		for any other reason set forth
		within the statutory and/or Federal
		Rules of Evidence in Nevada, or
		any other Nevada law.
		Defendants further object to the
		extent that this/these documents
		are excluded by any motion in
		limine.
23.	U.S. Retail Store Risk & Compliance Operations	inadmissible, lack foundation,
	Manual	is/are not genuine or authentic;
		constitute inadmissible hearsay;
		are unduly prejudicial; violative
		of the best evidence rule, are not
		relevant, and are inadmissible
		for any other reason set forth
		within the statutory and/or Federal
		Rules of Evidence in Nevada, or
		any other Nevada law.
		Defendants further object to the
		extent that this/these documents are excluded by any motion in
		limine.
24	Standard Organiza Brandynas for Symply Chair	
24.	Standard Operating Procedures for Supply Chain Security	inadmissible, lack foundation, is/are not genuine or authentic;
	Security	constitute inadmissible hearsay;
		are unduly prejudicial; violative
		of the best evidence rule, are not
		LOLINE DESLEVICENCE THE ATENON
		relevant, and are inadmissible

1			Rules of Evidence in Nevada, or
1			any other Nevada law.
2			Defendants further object to the
			extent that this/these documents
3			are excluded by any motion in
4	2.5		limine.
"	25.	Safety & Security Manual – Retail	inadmissible, lack foundation,
5			is/are not genuine or authentic; constitute inadmissible hearsay;
			are unduly prejudicial; violative
6			of the best evidence rule, are not
7			relevant, and are inadmissible
			for any other reason set forth
8			within the statutory and/or Federal
9			Rules of Evidence in Nevada, or
			any other Nevada law.
10			Defendants further object to the
11			extent that this/these documents
11			are excluded by any motion in
12	26.	Five (5) Photographs of the Subject Boxes Taken on	limine. inadmissible, lack foundation,
	20.	June 27, 2019	is/are not genuine or authentic;
13		valie 27, 2019	constitute inadmissible hearsay;
14			are unduly prejudicial; violative
-			of the best evidence rule, are not
15			relevant, and are inadmissible
16			for any other reason set forth
10			within the statutory and/or Federal
17			Rules of Evidence in Nevada, or
10			any other Nevada law.
18			Defendants further object to the extent that this/these documents
19			are excluded by any motion in
			limine.
20	27.	Plaintiff's Complaint	inadmissible, lack foundation,
21			is/are not genuine or authentic;
			constitute inadmissible hearsay;
22			are unduly prejudicial; violative
23			of the best evidence rule, are not
			relevant, and are inadmissible for any other reason set forth
24			within the statutory and/or Federal
25			Rules of Evidence in Nevada, or
۵۵			any other Nevada law.
26			Defendants further object to the
_			extent that this/these documents
27			are excluded by any motion in
28			limine.
RM			

28.	Defendant's Answer to Plaintiff's Complaint	inadmissible, lack foundation,
		is/are not genuine or authentic; constitute inadmissible hearsay
		are unduly prejudicial; violativ
		of the best evidence rule, are no relevant, and are inadmissible
		for any other reason set forth
		within the statutory and/or Federal Rules of Evidence in Nevada, o
		any other Nevada law. Defendants further object to the
		extent that this/these document
		are excluded by any motion in limine.
29.	National Safety Council (2000). Accident	inadmissible, lack foundation,
	Prevention Manual for Business and Industry, 14th	is/are not genuine or authentic;
	Edition	constitute inadmissible hearsay
		are unduly prejudicial; violative of the best evidence rule, are no
		relevant, and are inadmissible
		for any other reason set forth
		within the statutory and/or Federal Rules of Evidence in Nevada, o
		any other Nevada law.
		Defendants further object to the
		extent that this/these document
		are excluded by any motion in limine.
30.	Expert Impeachment File for Jeffrey Wang, M.D.	inadmissible, lack foundation,
		is/are not genuine or authentic;
		constitute inadmissible hearsay are unduly prejudicial; violativ
		of the best evidence rule, are no
		relevant, and are inadmissible
		for any other reason set forth
		within the statutory and/or Federal Rules of Evidence in Nevada, o
		any other Nevada law.
		Defendants further object to the
		extent that this/these document
		are excluded by any motion in limine.
31.	Computation of Damages	inadmissible, lack foundation,
		is/are not genuine or authentic;
		constitute inadmissible hearsay
		are unduly prejudicial; violative of the best evidence rule, are no
		i or are best extactive rate, are in

		for any other reason set forth
		within the statutory and/or Federal
		Rules of Evidence in Nevada, or
		any other Nevada law.
		Defendants further object to the
		extent that this/these documents
		are excluded by any motion in
22		limine.
32.	Curriculum Vitae, Fee Schedule and Testimony List for Gary White	
33.	Gary White's Initial Expert Report dated March 2022	
34.	Gary Whites First Supplemental Expert Report dated May 7, 2022	
35.	Gary Whites Second Supplemental Expert Report dated July 19, 2022	
36.	Curriculum Vitae, Fee Schedule and Testimony List for Eric Brimhall, MD.	
37.	Curriculum Vitae, Fee Schedule and Testimony List for Suart Kaplan MD.	
38.	Curriculum Vitae, Fee Schedule and Testimony List	
	for Jason Garber, MD	
39.	Deposition Transcript of Austin Bickel	
	's Use of Demonstrative Exhibits:	

Plaintiff may offer, at trial, certain Exhibits for demonstrative purposes including, but not limited to the following:

- 1. Demonstrative and charts relating to Plaintiff's damage claims;
- 2. Story board and computer digitized power point images;
- 3. Blow-ups/transparencies/digitized images of various records; and
- 4. Plaintiff reserves the right to offer into evidence any exhibit timely and properly disclosed during discovery for the purpose of demonstration at trial. Additionally, Plaintiff reserves the right to offer into evidence any exhibit offered by any other parties to this action.

Plaintiff's will offer the following depositions:

Deponent	Deposition Date	Pages & Lines
Austin Bickel	April 22, 2022	N/A
FRCP 30(b)(6) Designee of	June 7, 2022	N/A
Defendant IKEA		

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No.: <u>Defendant's Exhibits</u>:

Exhibit	Description	Plaintiff's Objection
4.	IKEA000883-1292; Ikea U.S. Retail	
	Store Risk & Compliance Operations	
	Manual	
5.	IKEA001293-1319; Ikea Secure It	inadmissible, lack foundation, is/are not
	Guidelines	genuine or authentic; constitute
		inadmissible hearsay; are unduly prejudicial; are not relevant, and are
		inadmissible for any other reason set
		forth within the statutory Federal Rules
		of Evidence, or any other Nevada law.
		Plaintiff further objects to the extent that
		this/these documents are excluded by
		any motions in limine.
6.	IKEA001320-1517; Ikea Safety in	
	Goods Handling	
7.	IKEA001518-1695; Ikea Safety	
8.	Security Manual Curriculum Vitae, Fee Schedule and	inadmissible leafs form dation in/
δ.	Testimony List for Dr. Wang	inadmissible, lack foundation, is/are not genuine or authentic; constitute
		inadmissible hearsay; are unduly
		prejudicial; are not relevant, and are
		inadmissible for any other reason set
		forth within the statutory Federal Rules
		of Evidence, or any other Nevada law.
		Plaintiff further objects to the extent that
		this/these documents are excluded by
		any motions in limine.
9.	Comprehensive Medical Examination	inadmissible, lack foundation, is/are not
	dated March 18, 2022 by Dr. Wang	genuine or authentic; constitute inadmissible hearsay; are unduly
		prejudicial; are not relevant, and are
		inadmissible for any other reason set
		forth within the statutory Federal Rules
		of Evidence, or any other Nevada law.
		Plaintiff further objects to the extent that
		this/these documents are excluded by
10	W/F + 000001 W/F + 000015 F - V/	any motions in limine.
10.	IKEA000001-IKEA000015 Las Vegas	
	Neurosurgical Institute Center Billing Records	
	Records	
	Defendant does not intend to introduce	
	Plaintiff's medical records at trial unless	
	and until Plaintiff is able to meet the	
İ	burden for admissibility; if Plaintiff	

1		does so, Defendant reserves the right to	
1		use any and all admissible medical	
2		records for foundation, expert	
		testimony, and impeachment	
3	11.	IKEA000016-IKEA000033 Las Vegas	
		Radiology Billing Records	
4			
5			
3		Defendant does not intend to introduce	
6		Plaintiff's medical records at trial unless	
		and until Plaintiff is able to meet the	
7		burden for admissibility; if Plaintiff	
		does so, Defendant reserves the right to	
8		use any and all admissible medical	
9		records for foundation, expert	
		testimony, and impeachment	
10	12.	IKEA000034-IKEA000072 Las Vegas	inadmissible, lack foundation, is/are not
		Urology Medical Records	genuine or authentic; constitute
11			inadmissible hearsay; are unduly
12			prejudicial; are not relevant, and are
12		Defendant does not intend to introduce	inadmissible for any other reason set
13		Plaintiff's medical records at trial unless	forth within the statutory Federal Rules
		and until Plaintiff is able to meet the	of Evidence, or any other Nevada law.
14		burden for admissibility; if Plaintiff	Plaintiff further objects to the extent that
		does so, Defendant reserves the right to	this/these documents are excluded by
15		use any and all admissible medical	any motions in limine.
16		records for foundation, expert	
10		testimony, and impeachment	
17	13.	IKEA000073-IKEA000207 Legacy	inadmissible, lack foundation, is/are not
		Urgent Care Billing and Medical	genuine or authentic; constitute
18		Records	inadmissible hearsay; are unduly
10			prejudicial; are not relevant, and are
19			inadmissible for any other reason set
20		Defendant does not intend to introduce	forth within the statutory Federal Rules
20		Plaintiff's medical records at trial unless	of Evidence, or any other Nevada law.
21		and until Plaintiff is able to meet the	Plaintiff further objects to the extent that
		burden for admissibility; if Plaintiff does	this/these documents are excluded by
22		so, Defendant reserves the right to use	any motions in limine.
22		any and all admissible medical records	
23		for foundation, expert testimony, and	
24		impeachment	
-	14.	IKEA000208-IKEA000227 QHR	
25		Pharmacy Records	
26			
27			
41			
28		Defendant does not intend to introduce	
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		Plaintiff's medical records at trial unless	
1		and until Plaintiff is able to meet the	
2		burden for admissibility; if Plaintiff does	
_		so, Defendant reserves the right to use	
3		any and all admissible medical records	
_		for foundation, expert testimony, and	
4		impeachment	
5	15.	IKEA000228-IKEA000400 Sahara	
		Surgery Center Billing and Medical	
6		Records	
_			
7			
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·		Defendant des die 12 is 1	
9		Defendant does not intend to introduce	
		Plaintiff's medical records at trial unless and until Plaintiff is able to meet the	
10			
11		burden for admissibility; if Plaintiff does	
11		so, Defendant reserves the right to use any and all admissible medical records	
12		for foundation, expert testimony, and	
		impeachment	
13	16.	IKEA000401-IKEA000549 Timothy	inadmissible, lack foundation, is/are not
14	10.	Soder Physical Therapy Medical	genuine or authentic; constitute
14		Records	inadmissible hearsay; are unduly
15		Records	prejudicial; are not relevant, and are
			inadmissible for any other reason set
16			forth within the statutory Federal Rules
17		Defendant does not intend to introduce	of Evidence, or any other Nevada law.
17		Plaintiff's medical records at trial unless	Plaintiff further objects to the extent that
18		and until Plaintiff is able to meet the	this/these documents are excluded by
		burden for admissibility; if Plaintiff does	any motions in limine.
19		so, Defendant reserves the right to use	
20		any and all admissible medical records	
20		for foundation, expert testimony, and	
21		impeachment	
	17.	IKEA000550-IKEA000650 Western	
22		Regional Center for Brain & Spine	
22		Surgery Billing and Medical Records	
23			
24			
25		Defendant does not intend to introduce	
		Plaintiff's medical records at trial unless	
26		and until Plaintiff is able to meet the	
27		burden for admissibility; if Plaintiff does	
41		so, Defendant reserves the right to use	
28		any and all admissible medical records	
RM			

	for foundation, expert testimony, and	
	impeachment	
18.	Innovative Pain Care Center bate stamped MED000001-142	
	Stamped WIDB000001 112	
	Defendant does not intend to introduce	
	Plaintiff's medical records at trial unless and until Plaintiff is able to meet the	
	burden for admissibility; if Plaintiff does so, Defendant reserves the right to	
	use any and all admissible medical	
	records for foundation, expert testimony, and impeachment	
19.	Kelly Hawkins Physical Therapy bate stamped MED0000143-205	
	Defendant does not intend to introduce Plaintiff's medical records at trial unless	
	and until Plaintiff is able to meet the burden for admissibility; if Plaintiff does	
	so, Defendant reserves the right to use any and all admissible medical records	
	for foundation, expert testimony, and	
20.	impeachment Las Vegas Neurosurgical Institute bate	
	stamped MED000206-223	
	Defendant does not intend to introduce Plaintiff's medical records at trial unless	
	and until Plaintiff is able to meet the	
	burden for admissibility; if Plaintiff does so, Defendant reserves the right to use	
	any and all admissible medical records for foundation, expert testimony, and	
21.	impeachment Pueblo Medical Imaging bate stamped	
	MED000224-261	
	Defendant does not intend to introduce	
	Plaintiff's medical records at trial unless and until Plaintiff is able to meet the	
	burden for admissibility; if Plaintiff does	

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		so, Defendant reserves the right to use	
1		any and all admissible medical records	
2		for foundation, expert testimony, and	
_		impeachment	
3	22.	QHR Pharmacy bate stamped	
		MED000262-298	
4			
5			
3			
6			
		Defendant does not intend to introduce	
7		Plaintiff's medical records at trial unless	
8		and until Plaintiff is able to meet the	
O		burden for admissibility; if Plaintiff does	
9		so, Defendant reserves the right to use	
		any and all admissible medical records	
10		for foundation, expert testimony, and	
11	23.	impeachment Timothy Soder Physical Therapy bate	
11	23.	stamped MED000299-317	
12		stamped MED000277-317	
10			
13			
14			
14		Defendant does not intend to introduce	
15		Plaintiff's medical records at trial unless	
4.6		and until Plaintiff is able to meet the	
16		burden for admissibility; if Plaintiff does	
17		so, Defendant reserves the right to use	
1,		any and all admissible medical records	
18		for foundation, expert testimony, and	
40		impeachment	
19	24.	Western Regional Center for Brain and	
20		Spine Surgery bate stamped	
		MED000318-328	
21			
22			
<i>LL</i>			
23		Defendant does not intend to introduce	
		Plaintiff's medical records at trial unless	
24		and until Plaintiff is able to meet the	
25		burden for admissibility; if Plaintiff does	
43		so, Defendant reserves the right to use	
26		any and all admissible medical records	
		for foundation, expert testimony, and	
27		impeachment	
28	25.	Demonstrative exhibits, including:	inadmissible, lack foundation, is/are not
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1. Power point images, blowups genuine or authentic; constitute 1 and transparencies of exhibits. inadmissible hearsay; are unduly 2. Models of various parts of the prejudicial; are not relevant, and are 2 human body. inadmissible for any other reason set 3. Diagrams, drawings, pictures, 3 forth within the statutory Federal Rules photos, film, video, DVDE and of Evidence, or any other Nevada law. 4 CD ROM of various parts of the Plaintiff further objects to the extent that human body, diagnostic tests this/these documents are excluded by 5 and surgical procedures. any motions in limine. 4. Exemplars, models, or pictures 6 of the surgical 7 hardware/implantation devices used or expected to be used in 8 the care and treatment of Plaintiff. 9 5. Power point images, drawings, diagrams, animations, story 10 boards of the incident, the 11 location of the incident. 6. Power point images and blowups 12 of deposition transcripts, discovery responses, and jury 13 instructions. 7. Maps, diagrams or models of the 14 scene of the incident that is the 15 subject of this litigation. 16

Defendant's will offer the following depositions:

Deponent	Deposition Date	Pages & Lines
Michael Mackenzie	June 2, 2022	N/A
Heather Vorce	June 22,2022	N/A
Eric Brimhall, MD	August 16, 2022	N/A

Defendants incorporate any and all documents produced by Plaintiffs and all other parties to this action, now and in the future by way of cross examination and/or rebuttal, subject to objection. Defendants incorporate any and all documents or exhibits used by experts that they have reviewed and relied upon to form their opinions.

Defendants reserve the right to object to any of Plaintiffs' exhibits, to call any witnesses named by Plaintiffs, to supplement their list of exhibits up and until the time of trial, including any

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demonstrative exhibits.

Defendants object to any witnesses or document identified by Plaintiffs which should be excluded on the basis that they have not been produced, are not related or highly prejudicial or lack foundation, or any other possible objections.

Defendant reserves the right to use any discovery responses and/or deposition testimony and/or deposition exhibits for impeachment and/or substantively as party admissions, as may be relevant at trial. Defendant reserves the right to use demonstrative evidence. Defendant also reserves the right to use any exhibit listed or introduced by Plaintiff, or as previously produced by the parties.

The parties reserve any all-evidentiary objections for trial. The parties reserve the right to object to the admissibility of trial exhibits on the basis of foundation, authenticity, hearsay, and relevance. The parties further reserve the right to object to any exhibit being offered by each side which has not been previously produced during the normal course of discovery proceedings, or pursuant to stipulation and agreement of the parties. The parties also reserve any and all evidentiary objections for trial.

In addition, neither inclusion of any documents within this disclosure made pursuant to FRCP 26, nor acceptance of documents provided by any other party hereto in a disclosure made pursuant to FRCP 26, shall be deemed as a waiver by these Defendants of any evidentiary rights they may have with respect to those documents, including, but not limited to, objections related to authenticity, materiality, relevance, foundation, hearsay, or any other right as may be permitted pursuant to the Federal Rules of Evidence.

Electronic evidence: The parties intend to offer and present evidence in electronic format to jurors for purposes of jury deliberations pursuant to Local Rule 16-3(b)(9) and will contact the court administrator for instructions on how to prepare evidence in electronic format and for any other requirements set by the court.

Depositions: Defendant does not intend at this time to offer page and line designations for 1 any deposition transcripts. In the event Defendant learns that a witness is unavailable to testify at 2 3 trial, Defendant will notify all parties and the Court of page and line designations of the 4 unavailable witness's deposition transcript to offer at trial. Defendant reserves the right to use all 5 depositions which have been conducted in this action to refresh recollection and/or to impeach a 6 witness, and otherwise use at trial in accordance with the applicable rules, i.e., Fed. R. Civ. P. 32; 7 Fed. R. Evid. 801(d). 8 The following witnesses may be called by the parties at trial: 9 **Plaintiff's Witnesses:** No.: 10 11 FACT & PERCIPIENT WITNESSES: 12 1. MICHAEL MACKENZIE c/o THE702FIRM 13 400 South 7th Street, Suite 400 Las Vegas, NV 89101 14 (702) 776-3333 15 2. IKEA US RETAIL, LLC fka IKEA U.S. WEST, INC. 16 c/o OLSON CANNON GORMLEY & STOBERSKI 9950 West Cheyenne Avenue 17 Las Vegas, NV 89129 (702) 384-4012 18 19 3. Austin Bickel IKEA US RETAIL, LLC fka IKEA U.S. WEST, INC. 20 c/o OLSON CANNON GORMLEY & STOBERSKI 9950 West Cheyenne Avenue 21 Las Vegas, NV 89129 (702) 384-4012 22 23 4. Heather Vorce 3062 Scenic Rhyme Avenue 24 Henderson, NV 89044 (702) 861-3715 25 5. Christine Jason 26 7426 Elderberry St. 27 San Antonio, TX 78240 (253) 212-2324 28

	FF'S MEDICAL PROVIDERS - Fed. R. Civ. P. 30() ENTATIVES AND/OR DESIGNEES	<u>v)((</u>
1.	Michael F. Schlaack, M.D. and/or	
1.	Treating Physicians and/or	
	Treating Nurses and/or	
	Person Most Knowledgeable and/or	
	Custodian of Records	
	Quest Diagnostics	
	PO Box 30584	
	Tampa, FL 33630	
	866.697.8378	
2.	Dean Yarbro, M.D., and/or	
	Treating Physicians and/or	
	Treating Nurses and/or	
	Person Most Knowledgeable and/or	
	Custodian of Records	
	Legacy Urgent Care	
	105 N. Pecos Rd, Ste 111	
	Henderson, NV 89074 702.263.4555	
	/02.263.4333	
3.	Karlo Arciaga PT, and/or	
	Treating Physicians and/or	
	Treating Nurses and/or	
	Person Most Knowledgeable and/or	
	Custodian of Records	
	Timothy Soder Physical Therapy	
	2779 W Horizon Ridge Pkwy, Ste 10	
	Henderson, NV 89052 702.897.1222	
	/02.89/.1222	
4.	Michael Stellmacher, M.D. and/or	
	Michael Schlaack, M.D. and/or	
	Eric Brimhall, M.D. and/or	
	Treating Physicians and/or	
	Treating Nurses and/or Person Most Knowledgeable and/or	
	Custodian of Records	
	QHR Pharmacy	
	7512 Westcliff Drive	
	Las Vegas, NV 891545	
	702.331.6388	
5.	Michael Scott, PA-C, and/or	
٦.	Treating Physicians and/or	
	Treating Nurses and/or	
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		Person Most Knowledgeable and/or
1		Custodian of Records
2		Innovative Pain Care Center
2		9065 S. Pecos Rd, Ste 230
3		Henderson, NV 89074 702.684.7246
4		702.004.7240
_	6.	David T. Wang, D.O. and/or
5		Bhuvana P. Kittusamy, M.D. and/or
6		Treating Physicians and/or
_		Treating Nurses and/or
7		Person Most Knowledgeable and/or Custodian of Records
8		Las Vegas Radiology
0		7500 Smoke Ranch Road
9		Las Vegas, NV 89146
10		702.254.5004
11	7.	Treating Physicians and/or
11	/.	Treating Nurses and/or
12		Person Most Knowledgeable and/or
13		Custodian of Records
13		Key Health Medical Solutions, Inc./Kelly Hawkins
14		L-4034
15		Columbus, OH 43260 818.575.5300
		010.575.5500
16	8.	Treating Physicians and/or
17		Treating Nurses and/or
		Person Most Knowledgeable and/or
18		Custodian of Records Kelly Hawkins Physical Therapy
19		8975 S. Pecos Rd, Ste 7A
• •		Henderson, NV 890874
20		800.929.4776
21	0	Street S. Venley, M.D., and/a
22	9.	Stuart S. Kaplan, M.D., and/or Treating Physicians and/or
44		Treating Nurses and/or
23		Person Most Knowledgeable and/or
24		Custodian of Records
24		Western Regional Center for Brain and Spine Surgery
25		3012 S Durango Drive
26		Las Vegas, NV 89117 702.835.0088
		, 02.000.000
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1 2 3 4 5 6 7 8 9 10 11		10.	Eric J. Brimhall, M.D., and/or Treating Physicians and/or Person Most Knowledgeable and/or Custodian of Records Sahara Surgery Center 2401 Paseo Del Prado Las Vegas, NV 89102 702.362.7874 Jason Garber, M.D., and/or Treating Physicians and/or Treating Nurses and/or Person Most Knowledgeable and/or Custodian of Records Las Vegas Neurosurgical Institute 3012 South Durango Las Vegas, NV 89117 702.835.0088		
12	EXPE	CRT WI	ITNESS:		
13		1.	Gary White 10 Lake Como Court		
14 15			Rancho Mirage, CA 92270 949-697-1500		
16	No.:	Defen	dant's Witnesses:		
17					
18	1.		el Mackenzie e702Firm		
19			400 South 7 th Street, Suite 400 Las Vegas, NV 89101		
20			776-3333		
21	2.		6) Representative(s) and/or Charlotte Mireles		
22		c/o Ola	J.S. Retail, LLC fka Ikea U.S. West, Inc. son Cannon Gormley & Stoberski		
23		9950 West Cheyenne Avenue Las Vegas, Nevada 89129			
24		(702)	384-4012		
25	3.	Austin			
26		9950 V	son Cannon Gormley & Stoberski West Cheyenne Avenue		
27			egas, Nevada 89129 384-4012		
28					

4. Jeffrey C. Wang, M.D. 1 Chief, Orthopaedic Spine Service Co-Director USC Spine Center 2 Professor of Orthopaedic Surgery and Neurosurgery 3 **USC Spine Center** 1450 San Pablo St., Suite 5400 4 Los Angeles, CA 90033 Tel.: (323)442-5303 5 6 7 In the instance that this matter does not resolve at mediation currently scheduled to take 8 place on Thursday, November 3, 2022, the parties agree that the witness and exhibit list may be 9 amended as required before trial. 10 The parties reserve the right to use any witnesses listed by any other party to this litigation. 11 The parties further reserve the right to name and list any witnesses deemed necessary for 12 rebuttal and/or impeachment purposes. 13 VIII. TRIAL DATE 14 15 Counsel have met and herewith submit a list of (3) agreed-upon trial dates: 16 The week of January 9, 2023; 1. 17 2. The week of January 16, 2023; or 18 3. The week of January 23, 2023 19 It is expressly understood by the undersigned that the Court will set a trial of this matter on 20 one of the agreed-upon dates if possible; if not, the trial will be set at the convenience of the 21 Court's calendar. 22 23 24 25 /// 26 /// 27 28

ESTIMATED LENGTH OF TRIAL 1 It is estimated that the trial will take a total of 3-5 days. 2 THE702FIRM INJURY ATTORNEYS 3 **OLSON CANNON GORMLEY &** STOBERSKI 4 /s/ Zach Livingston /s/ Stephanie Zinna 5 11/2/2022 11/2/2022 MICHAEL C. KANE. ESQ. JAMES R. OLSON, ESQ. 6 Nevada Bar No.: 10096 Nevada Bar No.: BRADLEY J. MYERS, ESQ. STEPHANIE ZINNA, ESQ. 7 Nevada Bar No.: 8857 Nevada Bar No.: 8 ZACHARY W. LIVINGSTON, ESQ. 9950 W Cheyenne Ave Nevada Bar No.: 15954 Las Vegas, NV 89129 9 400 S. 7th Street, 4th Floor Telephone: (702)Las Vegas, Nevada 89101 Facsimile: (702)**10** Telephone: (702) 776-3333 E-Mail: 11 Facsimile: (702) 505-9787 Attorneys for Defendants IKEA US RETAIL, E-Mail: service@the702firm.com LLC FKA IKEA U.S. WEST, INC. **12** Attorneys for Plaintiff 13 ACTION BY THE COURT 14 This case is set for court/jury trial on the fixed/stacked calendar on January 23, 2023 at 15 16 9:00 a.m. 17 The Calendar call will be held on January 18, 2023, at 1:00 p.m. 18 This pretrial order has been approved by the parties to this action as evidenced by their 19 signatures or the signatures of their attorneys hereon, and the order is hereby entered and will 20 govern the trial of this case. This order may not be amended except by court order and based 21 upon the parties' agreement or to prevent manifest injustice. 22 DATED: December 28, 2022 23 Ellus C. Mahan 24 UNITED STATES DISTRICT JUDGE 25 26 27 28

1	CERTIFICATE OF SERVICE		
2	I hereby certify that on the 2 day of November, 2022, I caused service of a true and correct		
3	copy of the foregoing JOINT PRE-TRIAL ORDER to be made through the CM/ECF system of		
4	the United States District Court for the District of Nevada (or, if necessary, by U.S. Mail, first		
5	class, postage pre-paid), upon the following:		
6	James R. Olson, Esq.		
7	Stephanie Zinna, Esq. OLSON CANNON GORMLEY & STOBERSKI 9950 W Cheyenne Ave Las Vegas, NV 89129 Attorneys for Defendants IKEA US RETAIL, LLC FKA IKEA U.S. WEST, INC.		
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9			
10			
11	CM/ECF:X	U.S. Mail:	Facsimile:
12			702-383-0701
13 14			
15	/s/ Gloria L. Pacheco		
16			An Employee of THE702FIRM
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